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**BY E-FILE**

November 25, 2024

The Honorable Jennifer L. Hall  
United States District Court  
for the District of Delaware  
844 N. King Street  
Wilmington, DE 19801

Re: Getty Images (US), Inc. v. Stability AI, Ltd., et al., C.A. No. 23-135-JLH

Dear Judge Hall,

I write on behalf of Plaintiff Getty Images (US), Inc. (“Getty Images”) to follow up on the parties’ August 9, 2024 Joint Status Report (D.I. 52). In the Status Report, Getty Images explained that, without moving for a stay, Defendants have refused to participate in a Rule 26(f) conference or to otherwise commence merits discovery. (D.I. 52 at 3-5.) Since the filing of the Joint Status Report, Defendants have remained unwilling to engage regarding discovery—in contravention of Fed. R. Civ. P. 26(f)(1)’s requirement that the parties “confer as soon as practicable.” In effect, they have been helping themselves to a discovery stay without bothering to move for one.

Getty Images respectfully requests that the Court order the parties to hold a conference pursuant to Rule 26(f) and commence discovery. Such an order is the appropriate outcome in the rare instance such as this case where a party simply refuses to meet its discovery obligations without any justification. *See, e.g., Midwest Energy Emissions Corp. et al. v. Arthur J. Gallagher & Co., et al.*, C.A. No. 19-1334-CJB, D.I. 105 (D. Del. May 11, 2020) (ordering Rule 26(f) conference despite defendant’s request to defer conference due to pending motion to dismiss); *Kraft Foods Grp. Brands LLC v. TC Heartland LLC*, No. 14-28, D.I. 32 (D. Del. Jan. 7, 2015) (oral order denying defendants’ request to stay entry of a scheduling order due to a pending motion to dismiss). It is especially appropriate here where Defendants concede that the case will proceed against them in federal court, regardless of the outcome of their pending renewed motions to dismiss or to transfer.<sup>1</sup>

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<sup>1</sup> Getty Images understands that the Court inherited hundreds of motions and is not seeking to rush the Court’s consideration of the Defendants’ renewed motions to dismiss or to transfer. Getty Images’ request relates only to the portion of the Joint Status Report regarding a Rule 26(f) conference and the commencement of merits discovery.

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This case has been pending since February 3, 2023, and Getty Images respectfully requests that the Court order Defendants to stop delaying and proceed as required by Rule 26.

Respectfully submitted,

*/s/ Robert M. Vrana*

Robert M. Vrana (No. 5666)

cc: All Counsel of Record (via CM/ECF and email)

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